

WILLIAM G. MALCOLM, #129271
KEVIN HAHN, #231579
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
(949) 252-9400 (TELEPHONE)
(949) 252-1032 (FACSIMILE)

Attorneys for CARRINGTON MORTGAGE SERVICES

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

In re	}	Bankruptcy Case No. 07-20072
AERY J. UPTON,		Docket Control No. WGM-1
Debtor.		Chapter 13
<hr/>		
CARRINGTON MORTGAGE	}	
SERVICES as successor-in-interest to		
New Century Mortgage Corporation,		
and its successors and/or assignees,		
Movant,		
vs.	}	
AERY J. UPTON, Debtor, and		
LAWRENCE J. LOHEIT, Trustee,		
Respondents.	}	

STIPULATION FOR LIMITED RELIEF FROM THE AUTOMATIC STAY

This stipulation, by and between, CARRINGTON MORTGAGE SERVICES and AERY J. UPTON ("DEBTOR"), by and through their attorneys, is made with reference to the following facts:

WHEREAS,

1 A. CARRINGTON MORTGAGE SERVICES holds a valid Promissory Note
2 secured by a first Deed of Trust on real property owned by the Debtor and located at 165 Copper Way,
3 Vallejo, CA 94589 (the "Property") and further described as follows:

4 **SEE EXHIBIT "1" ATTACHED HERETO;**

5 B. The Debtor is in default under the terms of the Note and Deed of Trust referenced
6 above as of the commencement of this bankruptcy filing, and remains in default.

7 C. On or about January 4, 2007, AERY J. UPTON filed the instant Chapter 13
8 Petition as Case No. 07-20072.

9 D. The Debtor would like to work out a potential loan modification with Carrington
10 Mortgage Services.

11 **NOW, THEREFORE**, in consideration of the foregoing recitals, the parties agree as
12 follows:

13 **IT IS HEREBY STIPULATED** that in regard to the real property located at 165 Copper
14 Way, Vallejo, CA 94589 immediate relief from the automatic stay is granted to permit negotiation of a
15 loan modification. Any loan modification must be approved by the Chapter 13 Trustee.

16 DATED: July 31, 2008 17 By: <u>/s/ Kevin Hahn</u> 18 KEVIN HAHN 19 Attorneys for Movant	20 DATED: July 3, 2008 21 By: <u>/s/ W. Scott De Bie</u> 22 W. SCOTT DE BIE 23 Debtor's Attorney
24 DATED: July 30, 2008 25 By: <u>/s/ Lawrence J. Loheit</u> 26 LAWRENCE J. LOHEIT 27 Chapter 13 Trustee	